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REAL ESTATE PLAN
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APPENDIX D

REAL ESTATE PLAN

AMERICAN RIVER WATERSHED CALIFORNIA

LONG-TERM STUDY

INTRODUCTION

This report, prepared in accordance with ER 405-1-12, 12-16, Real Estate Plan, presents the real estate requirements for the Federally-supportable flood control and ecosystem restoration plans identified as a result of the Long-Term Flood Control Study. This study was undertaken in accordance with the provisions of Section 566 Folsom Dam and Reservoir Additional Storage and Additional Flood Control Studies (a) and (b) of WRDA 1999 (PL 106-53). The purpose of this study is to assess opportunities to (1) increase surcharge flood control storage at the Folsom Dam and Reservoir and (2) to study all levees on the American River and on the Sacramento River downstream and immediately upstream of the confluence of such rivers to assess opportunities to increase potential flood protection through levee modifications. At the direction of Congress, this report is narrow in focus and does not address or update the National Economic Development (NED) Plan for the Auburn Dam as identified in the American River Watershed Investigation of 1991. The NED plan is identified as such in the basic report and the costs associated with that plan have been updated in the basic report on a price level basis for informational purposes.

Previous studies include the Supplemental Information Report (SIR) for the American River Project, completed in March of 1996, which supplemented the American River Watershed Investigation of April 1991; The Second Addendum to the Supplemental Information Report, Lower American River WRDA 1999 Common Features; the Information Paper, American River Watershed, California, August 1999; and the Additional Information – Folsom Dam Flood Control Storage & Downstream Levees, January 2000 Report.

The cost-share sponsor of this study is the State of California, Department of Water Resources (DWR), and the Sacramento Area Flood Control Agency (SAFCA).

Federally Supported Proposals Under Consideration

Folsom Dam Raise

Existing Federal Project

The Federally supportable flood control proposal identified under this study is to raise Folsom Dam and the surrounding dikes seven feet to provide for a maximum flood control pool elevation of 482 ft. The existing Federal Project (Folsom Dam and Lake), consists of 15,717.47 acres fee and 270.63 acres of easement area. This project was

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constructed as a component of the Central Valley Project, California. The dam and reservoir is a multi-purpose flood control project with flood control, and water supply components.

As a multipurpose facility, subsequent to construction of the dam by the Corps of Engineers, the facility was turned over to the Bureau of Reclamation for control, custody and operation. With the exception of the area known as the Reclamation Zone, the project lands have been leased to the California, Department of Parks and Recreation (DPR), subject to use of project lands for reclamation and other Central Valley Project purposes pursuant to the Federal Reclamation Laws and Acts of June 17, 1902 (32 Stat. 388), and acts supplementary thereto and amendatory thereof. The consideration for the lease is the erection of a plaque on subject property bearing an inscription designating the property as a park and the administration of the demised premises. DPR holds title to lands adjacent to the Federally-owned lands. These lands are managed jointly as the Folsom Lake State Recreation Area. The dam and dike modifications required to support a flood pool elevation of 482 ft. will not occur on or directly impact DPR fee owned lands.

Dam and dike height modification of the existing flood control structures by adding seven feet is of such a magnitude that it is considered a new project start. The proposed dam raise and subsequent project operations would result in a new full pool elevation of 482 ft. and cause lands to be inundated where they were not previously inundated. Acquisition of occasional flowage easements to support the increased full pool/surcharge storage provided for the dam will, as a policy determination and not as a function of flood frequency, be pursued to support the project. The purpose of the proposed raise is to provide for additional flood control (surcharge) storage space and to provide a greater degree of flood protection to the Sacramento metropolitan area. In most cases, the original minimum elevation for property acquisition for the existing project was at the 486 ft. elevation. This provided a substantial buffer for most of the project with the exception of the Mooney Ridge area and areas where streams, creeks, and drainages enter the lake. In the Mooney Ridge location (zoned single family residential) the take line followed an existing property line with the elevation at about 460 ft. and greater. There was a subsequent acquisition of an area known as Mooney Ridge Park whereby the Government obtained title to lands up to the 475+ ft. elevation. For the Federally-Supported Plan (FSP), private property would be inundated in the Mooney Ridge area and in other areas around the lake (zoned agricultural) where streams enter the lake. Based on Headquarters guidance in the application of the Corps' acquisition policy, these areas that would now be subject to inundation will be subject to the acquisition of an occasional flowage easement by the cost-share partner. The flowage easements will support the Government's operation of the project. Flowage easements obtained by the cost-share partner will be retained by DWR. Existing zoning will not be altered or impacted by the acquisition of flowage easements to support the dam and flood control pool raise.

Acquisition requirements for the flood control portion of this project are a minor part of project costs. The maximum estimated real estate acquisition costs, which is associated

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with the dam raise proposal, is currently estimated to be 2.6% of the total project costs. Both borrow and mitigation sites are currently Government owned. Their land value is included to reflect the true cost of the project, not what will actually be spent.

The dam raise alternative will require work on the concrete dam, the earthen wing dams, Mormon Island Dam and Dikes 1 through 8. This work would be on existing project features and within project boundaries. A right-of-entry(s) granted by the Bureau of Reclamation and approved by the State of California, Department of Parks and Recreation (DPR) is required to support such proposed work. Due to the de-facto partnership between the two entities, DPR has the power to delay or block the grant of such rights and to extract concessions on the part of the Government such as commitments to fund additional staff, limit the work to certain shifts, hours, days of the week; and limit the areas to be used for staging and material storage where project work may impact their park visitation, recreation, or other park management concerns. Restrictions of this nature will have a significant impact to project construction costs.

For the dam raise, the proposal includes temporarily relocating the bridge and roadway that cross the top of the dam as a project feature. This is not a real estate relocation. The Government owns the bridge and the road, and there is no roadway easement or Federal Highway requirement associated with that bridge. Lands, Easements, Rights-of Way, Relocation, Borrow, and Disposal Areas (LERRDs) to support the bridge would be acquired by the local cost-share partner. The alignment as proposed for this study would result in the use of existing project lands with a requirement to acquire a road right-of-way from the California, Department of Parks and Recreation.

There is a PG&E power plant (Newcastle Powerhouse) within the existing project that sits below the full pool elevation of the project. A taking analysis has been conducted. The analysis does not support the conclusion that a taking of the power plant occurs.

Environmental mitigation requirements for the dam raise proposal will be accommodated within the existing boundary and on federally owned lands. Once the mitigation is placed and accepted operations, maintenance, repair, restoration & replacement of mitigation features (OMRR&R) will be a cost-share partner responsibility. Those lands used for borrow within the Mississippi Bar area (Government owned lands) will be restored once the borrow has been removed and the project is completed.

Advanced Release

While the advanced release proposal could result in damage to existing levees, if managed as intended, the same total volume of water would be released; but the releases would be spread out over a longer period of time; thus allowing for better management of water, less impact to project levees and the creation of flood control storage capacity. The intent is to reduce impacts and damage to the flood control system, and to prevent flooding. Operation modification to provide for advanced release would not require hydraulic mitigation or modification to the existing flood control system; and therefore, would not require the acquisition of any additional real estate. There are currently no real

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estate costs, LERRD acquisition requirements, or OMRR&R requirements associated with this proposal.

Ecosystem Restoration

The Federally Supported Environmental Ecosystem Restoration component for this project consists of a temperature shutter proposal on the dam and the placement of various ecosystem restoration measures at the Woodlake and Bushy Lake sites. These sites are located on the north bank of the river between river mile 4 and 5 within the American River Parkway. The sites within which the measures are to be placed are 284+/- and 337+/- acres respectively. The County of Sacramento and the State of California are the landowners; however, SAFCA is the cost share partner for these ecosystem restoration components. For the temperature shutter proposal, no real estate acquisition would be necessary. Staging would be on Federal property and the work would be done on the dam.

Nonstandard Estates

Nonstandard estates are not required to support any project features, nor will navigational servitude be invoked to secure necessary rights for either the flood control or environmental restoration FSPs.

A real estate cost estimate of the lands for each site of the proposed ecosystem restoration component of the study has been completed and restoration costs are tabulated in Table II.

Table I – LERRDs Requirements

| FSP ALTERNATIVES | FEE- ACRES | FLOWAGE EASEMENT ACRES | TWAE ACRES | STAGING ACRES | ROAD ROW | BORROW CU. YDS. | RELOCATIONS |
|----------------------------------|----------------------------|------------------------------|---------------|------------------|-------------|--------------------|-------------|
| FLOOD CONTROL | | | | | | | |
| FOLSOM DAM 7 FT. RAISE | 153.64 (Borrow Site) | 16.88 | 0 | 0 | | 495,000 | NONE |
| MITIGATION* | 233.07 | | | | | | NONE |
| ADVANCED RELEASE | 0 | 0 | 0 | 0 | 0 | 0 | NONE |
| ECOSYSTEM RESTORATION | | | | | | | |
| WOODLAKE | 283.56 | | | | | | NONE |
| BUSHY LAKE | 337.04 | | | | | | NONE |
| TEMPERATURE SHUTTER | 0 | 0 | 0 | 0.75 | 0 | 0 | NONE |

***Mitigation will be placed on existing Federal project property.**

PUBLIC LAW 91-646 RELOCATIONS AND BENEFITS

For those elements addressed in this Real Estate Plan, no Public Law 91-646 relocations or benefits have been identified nor are any anticipated as a result of the any of the candidate plans.

MINERAL INTERESTS/ACTIVITY

No marketable mineral rights will be encountered or impacted in any of the features addressed in this Real Estate Plan.

LAND OWNER SUPPORT

Landowners in the area that would be impacted by the modification of the flood control features have voiced support for the FSP with the caveat that the construction of Auburn Dam would more adequately provide the needed flood protection for the Sacramento and surrounding areas. The population in the area to be afforded greater protection by the FSP is almost unanimously pro-project. The few objections voiced are from residents that live at or above the Folsom Lake maximum flood pool level and do not need the protection that the project will provide.

HAZARDOUS, TOXIC, OR RADIOACTIVE WASTE (HTRW)

All components discussed in this plan consist of the modification or enhancement of existing flood control features, or are an environmental restoration component. An HTRW survey and assessment has been made of FSP projects addressed in this plan by the appropriate Sacramento District element and no HTRW has been identified or associated with any of the existing or proposed features.

SPONSORS' ABILITY TO ACQUIRE

The non-Federal sponsors of the flood control project include the Reclamation Board of the State of California and the Sacramento Flood Control Agency (SAFCA). The Reclamation Board, through the Department of Water Resources (DWR), has the ability to acquire the necessary rights in real estate for the flood control project. DWR has the power of eminent domain pursuant to Water Code Section 8590, et seq., and Code of Civil Procedures Section 1230.010, et seq. DWR has an experienced right-of-way staff, which has acquired lands for numerous flood control projects since implementation of the Water Resources Development Act of 1986. DWR acquired the necessary LERRDs for the WRDA-96 Common Elements, a cost-shared project of which this would be an outgrowth. With this prior experience the DWR right-of way staff has directly applicable experience to this project and will be an asset in accomplishing the acquisition. SAFCA also has the power of eminent domain through the SAFCA Joint Exercise of Powers Agreement adopted on September 26, 1989, and the SAFCA Act that was signed by the Governor on August 10, 1990. SAFCA does not have a right-of-way staff so any right-

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of-way work performed by SAFCA would be contracted. The sponsor has been advised of P.L. 91-646 requirements and the requirements for documenting expenses for credit purposes. A checklist showing the Sponsors' ability to acquire and a certified financial plan supports the existing PCA for WRDA-96. A new checklist and amended PCA would be prepared and coordinated with the Sponsor for any new project elements that are approved as a result of this study.

ESTATES

For real estate requirements in excess of pre-existing project lands, the non-Federal sponsor will acquire the minimum interests in real estate, which will support the construction and subsequent operation and maintenance of the project. The estates identified in the various alternatives include Occasional Flowage Easements, Temporary Work Area Easements (TWAE), Road Easements, Staging Areas, Borrow Sites and Fee Title to mitigation and environmental restoration lands. No Utility/Facility Relocations have been identified as a result of the FSPs. For work that is required on existing Federal Project lands, Rights-of-Entry will be negotiated by the cost-share partner with the Federal agency that has control and custody of the project. The non-Federal cost-share partner will be responsible for the acquisition of new lands required for environmental restoration, and the easements required to support the project. Lands that are Government owned and already part of the project (borrow sites and mitigation) will be provided by the Government and no LERRD credit will be granted for those lands. Lands/estates currently owned by the cost-share partners, but not previously credited towards the project will be credited upon completion of construction and submittal for credit as well as those additional lands/estates acquired for these specific project purposes.

ZONING ISSUES

Lands under consideration for the proposed alternatives are zoned Single Family Residential, Rural Residential, Small Acreage Lots, and Agricultural. The areas proposed for restoration are all within the American River Parkway-Flood Zone and zoned accordingly. The restoration work would be consistent with the zoning.

MAPS

For the Flood Control portion of the project Maps R-1 through R-6 are attached depicting the areas that will require the acquisition of intermittent flowage easements due to the impact of the increased maximum flood control pool.

Map R-1: Overview Folsom Dam Raise Including El Dorado/Placer County Parcels
(see circled areas)

Map R-2: Closeup of Folsom Lake Parcels (see circled areas)

Map R-3: Closeup of Folsom Lake Parcels (see circled areas)

Map R-4: Closeup of Folsom Lake Parcels (see circled areas)

Map R-5: Closeup of Folsom Lake Parcels (see circled areas)

Map R-6: Topographical Map of Folsom Lake Alternatives Showing Bike Trail, Potential Staging Areas, and Residential Development

Sheet 1: Folsom Dam Enlargement Plan Mississippi Bar borrow site

Sheet 2: Folsom Dam Enlargement Plan Mormon Island Area - Mitigation Areas

The environmental restoration sites are depicted on **Plate 6-11, Woodlake**; and **Plate 6-12, Bushy Lake**.

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BASE LEVEL COST ESTIMATE

Table II - LERRDs COSTS

| SITE | ESTATES | ACRE | LERRDs COST (in thousands) | FED. ADMIN COSTS (in thousands) | NON-FED. ADMIN COSTS (in thousands) | SUBTOTAL OF COSTS (in thousands) |
|--|-----------------------------------|-----------------------------|---|--|--|---|
| FSP – 7 FT. DAM RAISE (Borrow) (Mitigation) | FLOWAGE EASEMENT FEE FEE | 16.88 153.60* 275.00* | 23.00 3,841.00 933.00 | 530.00 | 1,172.00 | 6,499.00 |
| FSP – 7 FT. DAM RAISE | | | | | | |
| ENV. MITIGATION | | | | | | |
| | | | | | | |
| BUSHY LAKE | FEE | 283.56 | 284.00 | 140.90 | 28.560 | 453.46 |
| WOODLAKE | FEE | 337.04 | 337.00 | 112.30 | 28.640 | 477.94 |
| TEMP. SHUTTER CONTROL | ROE's | .75 | | 06.18 | 1.100 | 007.28 |
| TOTAL LERRDs COSTS | | . | | | | 7,437.68 |

***Currently under Federal ownership.**

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Table III - REAL ESTATE MILESTONES

| American River Long Term Study | COE* START | COE FINISH | NFS* START | NFS FINISH |
|---|-----------------------|-----------------------|-----------------------|-----------------------|
| RECEIPT OF FINAL DRAWINGS FROM ENGINEERING | 09/02 | 11/02 | | |
| EXECUTION OF ADDENDUM TO PCA | | 11/02 | | 11/02 |
| FORMAL TRANSMISSION OF ROW DRAWINGS & INSTRUCTIONS TO ACQUIRE LERRD | 09/02 | 04/03 | | |
| CONDUCT LANDOWNERS MEETINGS | 05/03 | 07/03 | 05/03 | 07/03 |
| PREPARE/REVIEW MAPPING AND LEGAL DESCRIPTIONS | | | 04/03 | 08/03 |
| OBTAIN/REVIEW TITLE EVIDENCE | | | 07/03 | 08/03 |
| OBTAIN/REVIEW TRACT APPRAISALS | | | 04/03 | 08/03 |
| CONDUCT NEGOTIATIONS | | | 11/03 | 05/04 |
| PERFORM CLOSINGS | | | 03/04 | 08/04 |
| PREPARE/REVIEW CONDEMNATIONS | | | 05/04 | 08/04 |
| OBTAIN POSSESSION | | | | 08/04 |
| COMPLETE/REVIEW PL 91-646 BENEFIT ASSISTANCE | NA | NA | NA | NA |
| CONDUCT/REVIEW FACILITY AND UTILITY RELOCATIONS | NA | NA | NA | NA |
| CERTIFY ALL NECESSARY LERRD AVAILABLE FOR CONSTRUCTION | | | | 08/04 |
| PREPARE AND SUBMIT CREDIT REQUESTS | | | 08/04 | 11/04 |
| REVIEW/APPROVE OR DENY CREDIT REQUESTS | 11/04 | 02/05 | | |

***COE – Corps of Engineers**

***NFS – Non-Federal Sponsor**